

### **REMARKS**

Applicants cancel claims 2, 3, 7, 15, and 17, and amend claims 1, 4-6, 8, 10, 11, 13, 14, 16, 18-21, 23, 26, 28-34, 36, 39, and 41-45. Applicants have incorporated the limitations of claims 2 and 3 into claim 1, claim 7 into claim 6, and claims 15 and 17 into claim 14 in order to expedite prosecution.

The examiner rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,029, 065 to Shah (Shah) in view of U.S. Patent No. 6,859,699 to Carroll et al. (Carroll). The examiner admits that Shah does not disclose activating and deactivating enhanced features on a mobile voice communication device through a wireless transceiver circuit by means of a key transmitted by a remote source to the mobile voice communication device. In order to supply what is missing, the examiner turns to Carroll and argues that it would be obvious for a person of ordinary skill to implement the data distribution system of Carroll using the mobile device of Shah. We disagree for the following reasons.

Carroll discloses a computer-based automotive service system that distributes data from a remote service provider to a local data processing system situated at the vehicle servicing site. The local data processing system is connected to and controls special purpose measurement devices that are used to conduct vehicle diagnoses. Carroll's local data processing system:

...executes one or more software applications to process the signals received from the measurement device 120 and generates a diagnostic result. For example, if the automotive service system 101 is an aligner, the data processing system calculates alignment parameters, such as toe, camber, caster, SAI, et cetera, based on the raw signals received from the measurement device 120 and compares the alignment parameters with alignment specifications of vehicle 10. (4:39-47)

In other words, Carroll's local data processing system receives signals from special purpose vehicle measurement devices, and executes custom software to process and analyze those signals. But these are not functions that enhance the utility of a cellular phone because a cellular phone is designed to enable person-to-person communication, and not to receive signals from measurement devices and generate diagnostic results. Therefore, there would be no motivation to receive such signals and perform such custom data analysis on Shah's cellular phone. Indeed, we can find no suggestion anywhere in Carroll that his local data processing system could be implemented on a cellular phone. Nor has the examiner pointed to any such suggestion.

Even if it were feasible, it would not be advantageous to implement Carroll's local data processing system on a cellular phone because it would have less processing power, less memory, be harder to program, and have a more constrained user interface than a general purpose computer. In fact, cellular phone designers are already constrained by the processing, memory, and power limitations of cellular phones when implementing the communication features of the phone. These constraints would become even more severe if the additional burden of receiving and processing signals from measurement devices was added to a cellular phone.

In his rejection of claim 3, the examiner admits that the combination of Shah and Carroll do not teach that the predetermined functionality is speech recognition. To supply what is missing, the examiner turns to U.S. Patent No. 5,572,583 to Wheeler. Wheeler describes an intelligent peripheral having a speech recognition module. When Wheeler's system runs certain applications, the speech recognition module is invoked: "For example, if the subscriber has some form of speech recognition service, the call would be routed to the speech recognition module 205." (12:67-13:2) But nowhere does Wheeler mention:

...predetermined functionality having basic features and having enhanced features that are in addition to the basic features, said application program code having a deactivated state in which the cellular phone provides said basic features to the user without providing said enhanced features and an activated state in which the cellular phone provides the enhanced features, and wherein toggling between the deactivated and activated states is accomplished by receiving through the wireless transceiver circuit a transmitted key that was sent by a remote source to that cellular phone [emphasis added]

as required by claim 1 (which incorporates the limitations of claim 3). Wheeler's system only mentions the option of a single level of speech recognition in his peripheral. We were not able to find any hint of basic and enhanced features of speech recognition, nor of toggling between speech recognition having basic features and enhanced features in Wheeler's system. Nor has the examiner pointed to anything other than the existence of a speech recognition service in Wheeler (2:48-51).

Independent claims 6, 14, 16, and 33 each contain limitations that are analogous to those of claim 1. Therefore, for the reasons discussed above, Applicants believe that claims 1, 6, 14, 16, and 33 and their dependents are patentable over the cited references.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Please charge \$1050 for a three month extension of time fee and any other fees that might be due, or credit any overpayments to our Deposit Account No. 08-0219, under Order No. 0112855.00121US3 from which the undersigned is authorized to draw.

Respectfully submitted,

Dated: May 14, 2008

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